

A publication of Michigan Realtors®

MICHIGAN REALTOR®



MICHIGAN REALTORS®
THE CONVENTION
Virtual Real Estate Convention | October 7-8, 2020



PLUS

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Land Brokerage

Quality Wins the Day
Capitol Report

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{ SEPTEMBER | TWO THOUSAND & TWENTY | VOLUME NINETEEN | NUMBER FIVE }



The Convention 2020: Virtually Unforgettable!

As we get closer to our *virtual* Convention this fall, we are excited to share with you how Michigan Realtors® has adapted to the unique challenge of bringing people together without actually bringing people together. Yes, The Convention will be a virtual gathering - one in which Realtors® can learn, grow and enjoy from their remote location. The Convention, taking place October 7-8, 2020, is designed to give Michigan Realtors® members the full experience of The Convention from the comfort and safety of their homes, offices or perhaps a scenic Michigan vacation rental!

This year's event will still include all of the features that are important to you and that you look forward to each year. With lots of opportunities to interact with attendees, speakers, sponsors, and exhibitors, there are also plenty of chances to network with the real estate community through sponsored breaks and the Virtual Expo. Many sessions are approved as CE Marketplace Certified and cover hot topics of interest to our industry, such as social media navigation and making the most of a multiple offer market.

"Real Estate in the Age of COVID" is one of the most anticipated panels of The Convention this year, featuring Dr. Lawrence Yun, Chief Economist & Senior VP of Research at the National Association of REALTORS®. This session covers the many and varied obstacles that come up during the age of COVID, and will allow, you, our members, to submit questions for our panelists. Dr. Yun will be meeting with Brad Ward, Vice President of Public Policy & Legal Affairs at

Michigan Realtors®, and me to answer your questions about being a successful Realtor® amidst a global pandemic. This event is scheduled for the first day of The Convention and is one that you will not want to miss.

On day two, we look forward to presenting "Within the Law," which offers two hours of Legal CE Marketplace Certified Credit. Join Michigan Realtors® legal counsel for a discussion on current issues affecting the industry so you can protect yourself and build your business with confidence. Led by our longtime external counsel, Gail Anderson and David Pierson of McClelland & Anderson and our own Michigan Realtors® staff, Brian Westrin and Becky Gean, this is a session that will not only benefit you as a Realtor®, but as a business owner.

Other presenters being featured at The Convention include Sean Carpenter of Sean Speaks, LLC and Cheryl Knowlton of Dynamite Productions, Inc, to name just a couple. Each of our acclaimed speakers brings a unique perspective to their sessions to ensure that you walk away with pertinent skills for your career from a diverse group of professionals. To learn more about the guest speakers and their sessions, visit the www.convention.mirealtors.com for this year's conference lineup.

Be sure to register for The Convention at www.convention.mirealtors.com and learn more about our Express Pass.

Yes, The Convention is going to be different this year, but it is sure to be the most talked about and inspiring industry "gathering" yet. A worldwide pandemic can't stop the hard work and passionate drive of Michigan

Realtors®. It's just another opportunity for us to show how resilient and adaptable we are under challenging circumstances. As the world around us continues to change and make greater demands from our profession in ways we could never foresee, the way we help people realize their dreams does too. We can't wait to "get together" in this new, virtual way! ●

The Convention, taking place October 7-8, 2020, is designed to give Michigan Realtors® members the **FULL EXPERIENCE OF THE CONVENTION FROM THE COMFORT AND SAFETY OF THEIR HOMES,** offices or perhaps a scenic Michigan vacation rental!

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October 7-8, 2020

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January 27-29, 2021

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September 28-30, 2020

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The Fall

In the last column I discussed COVID-19 and property taxes. This time around I'm going to switch it up and discuss property taxes and COVID-19. 2020 is testing the mettle of many. Throw in a heated presidential election and economic hardships facing people and businesses, and we're at a boiling point.

As you know, Michigan Realtors® has been working to mitigate some of those hardships through property tax relief in the Michigan legislature. Two bills successfully signed into law extended the filing dates for both the Michigan Principal Residence Exemption and Tax Tribunal filing dates. Under Senate Bill 940, sponsored by Senator Roger Victory (R- Hudsonville), the time frame to file a 2020 PRE was extended until June 30TH for 2020, and House Bill 5766, sponsored by Representative Roger Hauck (R- Union Township), granted a 96-day extension to file property tax appeals between May 27, 2020, and September 1, 2020 – they now have a deadline of August 31, 2020.

Unfortunately, House Bills 5761 and 5810, which would have provided additional time for residents and businesses to pay their July property tax bills without penalty or interest, ended up on the wrong end of the Governor's veto pen. The bills, supported by Michigan Realtors® and a broad coalition of business groups, passed the legislature on a wide bipartisan margin in both the House and the Senate.

Sponsored by Representative Jim Lower (R- Greenville), the goal of the legislation was to provide property tax relief to those that had been impacted financially by the virus or the Stay-at-Home orders. On the flip side, the bills tried to keep local government revenues whole through the use of an advance payment fund in the Department of Treasury. The Governor's veto message focused on her concerns over the constitutionality of the bill as well as the ability of the state to take on the liabilities of Michigan counties, thereby impacting a county's credit and access to borrowing.

Since the bills enjoyed the support of both Democrats and Republicans throughout the legislative process, and the support of the Michigan Association of County Treasurers, the veto came as a bit of a surprise. A simplified version of the tax deferral bills has now been reintroduced as SB 943 which is now on the Senate floor and the coalition is in discussion with Senate

leaders on potential movement of the bill, sponsored by Senator Peter MacGregor (R- Rockford). Without the potential to defer July tax bills, many taxpayers will have to work with their local governments on an individual basis to avoid property tax foreclosure.

There could also be a new incentive to work with property taxpayers under a recent Michigan Supreme Court decision. On July 17, the Michigan Supreme Court issued a unanimous decision declaring that it is unconstitutional for counties to receive any profits from selling tax foreclosed homes at auction. The ruling overturns the way that tax foreclosures have been dealt with since 1999 and could potentially put Michigan counties on the hook for millions of dollars.

The case of *Rafaeli v. Oakland* stands as a property rights victory in which the court recognized that the State's tax foreclosure law allowing counties to keep the proceeds of the sale beyond back taxes, penalties and interest, is an unconstitutional taking without just compensation. The court even went so far as to cite the Magna Carta.

The facts of the case are these: Rafaeli owed \$8.41 in delinquent taxes on a Southfield property. This amount grew to \$285 with penalties and interest. Oakland County, foreclosed on the property, which later sold for \$24,500. Sometimes you need just the right facts to point out the inequity in situations.

The case now returns to the Oakland County Circuit Court for a remedy for the plaintiff. In the meantime, the Michigan Senate is taking up a bill to change Michigan's tax foreclosure law to reflect the Supreme Court's decision. Senate Bills 676, Introduced by Senator Pete Lucido (R- Shelby Township), specifies that if the foreclosed property is a principal residence, any proceeds above the established minimum bid would have to be paid to the taxpayer. The bill received its first hearing in the Senate Finance Committee and further action on the bill is expected this fall.

This fall is also a November General election with a Presidential race, a Michigan U.S. Senate seat, 14 U.S. House seats, 2 Michigan Supreme Court seats, 110 seats in the Michigan House of Representative and a number of local offices and ballot initiatives. COVID-19 comes into play here not only as a political issue, but also impacting how we vote. Michigan saw some of the largest numbers

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of absentee voters in history in the August primary. In a handful of Michigan House seats, the ultimate winner was not the person who received the most in-person votes. Then again, most of those absentee ballots were also not returned until 1 week before the election.

This means that there will be additional political advertisements coming your way very soon because absentee ballots become available weeks before the polls open. Candidates and issues want your attention if you are a voter that turns in their absentee ballot quickly.

Following the November election, Michigan is sure to have another exciting "lame duck" session. Lame duck is when the current class of legislators has a number of people not returning to public office. The weeks between the November election and the end of the year are seen as the last chance to get a number of issues accomplished before the new legislature takes their seats in January. There are a number of issues that have been shelved this year due to needed response to COVID-19 so there will be no shortage of bills that could be potential for lame duck.

By way of illustration, there have only been 146 bills signed into law to date (8/11/20). The last lame duck session in 2018 had 498 bills signed into law. However, this year you can add to that total 169 Executive Orders that, to the legislature's frustration, have governed much of Michigan since March. The number of unilateral actions taken by the Governor with little input from her Republican colleagues in the legislature has led to political barbs on both sides and a number of significant policy disagreements.

Prepare yourselves for what will be an interesting and heated fall. You'll block people on social media, avoid political discussions at family gatherings, and have your fill of dinnertime polling calls.

At least we'll have the promise of college football in the spring. ●

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2020 IS TESTING

the mettle of many.

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The Future of The Brokerage Industry

BY AARON GRAHAM, NATIONAL LAND REALTY

Virtually all businesses are now quickly pivoting to meet the expectations of their consumers amid the Coronavirus pandemic, and the land brokerage industry is no different. This industry has been impacted by technological advancements and changing consumer behavior.

Technology's Disruption and the Coronavirus Pandemic

Before COVID-19, the impact technology was making on both our personal lives and businesses was palpable. We knew technology had forever changed us: How we receive our news and information, communicate, shop, bank, receive our education, get entertained and now visit with our doctors. But we didn't fully understand how quickly the benefits of technology would shift from convenience to becoming an absolute necessity.

Before the pandemic, 40% of both blue- and white-collar jobs were predicted to be lost to technology over the next 15 years. Since the onset of COVID-19 and the shutdown of our economy, it's evident that the loss of American jobs to technology is going to take place at a much faster pace than initially predicted.

Disruption in Residential

Real estate companies that leverage technology, data, Google rankings, artificial intelligence and social media are covering ground quickly. Land brokers should learn from these residential companies, who are changing their industry's message with marketing slogans such as "Real Estate, Made Simple" and "Finally, the Way Real Estate Should Be." Some of these businesses are demonstrating how the residential real estate industry has been ripe for disruption.

All companies are seeing consumers demand with more transparency. Consumers expect relevant, accurate, free-of-charge data to be at their fingertips to assist them with their decision-making processes. If you're unable to give it to them, they are on to the next vendor.

The Future of the Land Brokerage Industry

An Oxford University study predicted that 86% of real estate agents would be replaced by robots over the next 20 years. The truth to this statistic remains elusive. However, regardless of the actual number, the question is, will you be part of the percentage pushed aside, or will you be a part of the elite portion who are taking the time to learn how to stand out, stay relevant, and remain valuable? If we can better serve clients by providing what they need on a personal, emotional and technological level, while saving them time and money, we become invaluable.

As real estate brokers, our path ahead may not be as easy as it has been in the past, but it's essential to seek opportunity in every challenge. Do not sit victim to the changing circumstances. Be coachable and seek mentorship from others who can provide valuable tools and insight into changes and updates in our industry.

As consumers take the lead in telling us what they want from land brokers and our services, it's essential to go above and beyond to protect our brands and reputations. Take caution: Enabled by tools such as Yelp, Google and Facebook reviews, the



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Land brokers should learn from these residential companies, who are **CHANGING**

THEIR INDUSTRY’S MESSAGE

with marketing slogans. . .”

”

service industry is now placed under a microscope more than ever before. Consumers will have access to how well or insufficiently we’ve performed, and they’ll base their buying decision on that information, and for many of them, that information alone.

The Bottom Line

There is no way to slow the pace of technology. We need to embrace the impact it’s making on our

industry and the changes in how we connect with consumers. Brian Buffini said it best when he said: “We are the advocate, educator and advisor, not the decision-maker.”

The consumer decides who will win and who will lose. Only those companies that can reach and provide the best consumer experience will win. Participation trophies in the brokerage business are a relic of the past. ●



Aaron Graham is President of National Land Realty and is a licensed real estate broker in NE, IA & KS. Since he entered the real estate business after retiring from a successful NFL career, he’s brokered over \$300 million of land transactions throughout the Midwest. More information at nationalland.com

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THE CONVENTION

Virtual Real Estate Convention | October 7-8, 2020

The Convention - Virtual is a redesigned experience featuring the same hallmark components our attendees have come to know and love over the years. During this two-day event, you will have your choice of CE Marketplace certified classes, virtual networking and an online Expo.

Join us as we embark on this new adventure and set our sights on positive change.

[VIEW THE MOBILE SCHEDULE & REGISTER ONLINE](#)

[Convention.Mirealtors.com](https://convention.mirealtors.com)

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Michigan Realtors® Member Full Registration \$50.00	Michigan Realtors® Express Pass \$0.00	Non-member Full Registration \$75.00
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Main stage events	Networking	Main stage events
CE Certified Knowledge Sessions	Expo	CE Certified Knowledge Sessions
Networking		Networking
Expo		Expo
Access to session recordings post event for one-year		Access to session recordings post event for one-year

**Additional information and limitations available on convention.mirealtors.com*

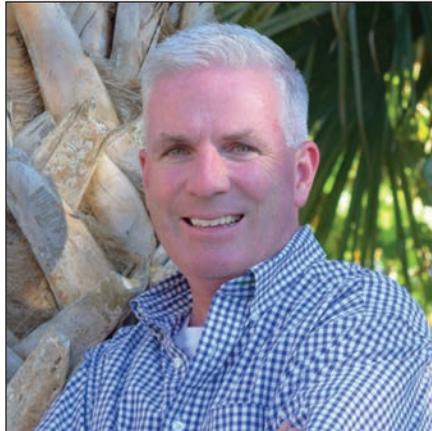
SPEAKERS

Speakers, sessions and special events subject to change. Visit Convention.Mirealtors.com for current event news and updates.



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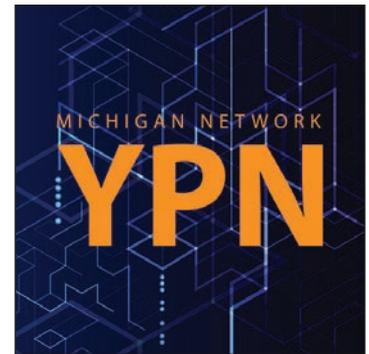
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Visit Convention.Mirealtors.com for more information on exciting events for the Michigan Realtors® Political Action Committee (RPAC) during The Convention - Virtual.

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Visit Convention.Mirealtors.com to learn more about opportunities to sponsor and exhibit at The Convention - Virtual, October 7-8, 2020.

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The Flight to Quality

Tough markets bring out the best in us all.

BY LARRY KENDALL, AUTHOR OF NINJA SELLING

It's happening again! It happens every time there is a disruption in the market. Buyers and sellers flee to quality. They want sales associates with smarts, experience and systems. Sales associates want companies with leadership, marketing, technology and brand. Top associates build their business during times of chaos. Top companies grow market share. Tough markets bring out the best in both.

When you ask the highest producers and best companies in our industry why they're so good at what they do, they'll tell you it's because they do the basics better than anybody. Call them basics or fundamentals, I call them *universals*—the things that are important universally. Universals are the backbone of creating a strong foundation for your business. Universals work in any market.

“When you ask the **HIGHEST PRODUCERS AND BEST COMPANIES** in our industry why they're so good at what they do, they'll tell you it's because they **DO THE BASICS BETTER** than anybody.”

Focus on Relationships

The most common universal among high-performing individuals and organizations is a focus on relationships. Why? Relationships endure regardless of the market. In times of uncertainty, such as the COVID-19 crisis, having a foundation of strong, well-nurtured relationships can mean the difference between still being in business or not.

Relationships are a durable competitive advantage. They give you predictable results in every kind of market—especially tough markets. Your relationships with your sales associates and their relationships with their clients are your most valuable assets. Do you have a system for building and nurturing them?

Frequency of Interaction

Whether with your clients or your kids, relationships are built and maintained through the “frequency of interaction.” We call it flow. Live-flow is face-to-face and voice-to-voice interaction. Auto-flow is through mail, email, text, and social media. In hot markets, it's easy to get busy and fall out of flow. It's easy to chase leads and transactions and worry about relationships later. What happens when the market softens? There is a price to be paid for neglecting your relationships.

In times of uncertainty, people turn to the professionals they know (are in flow with) and trust to deliver the goods. The key is to have a system that keeps you in flow with clients and associates in all markets. When a tough market hits, it's too late to

start building relationships. Dig your well before you are thirsty.

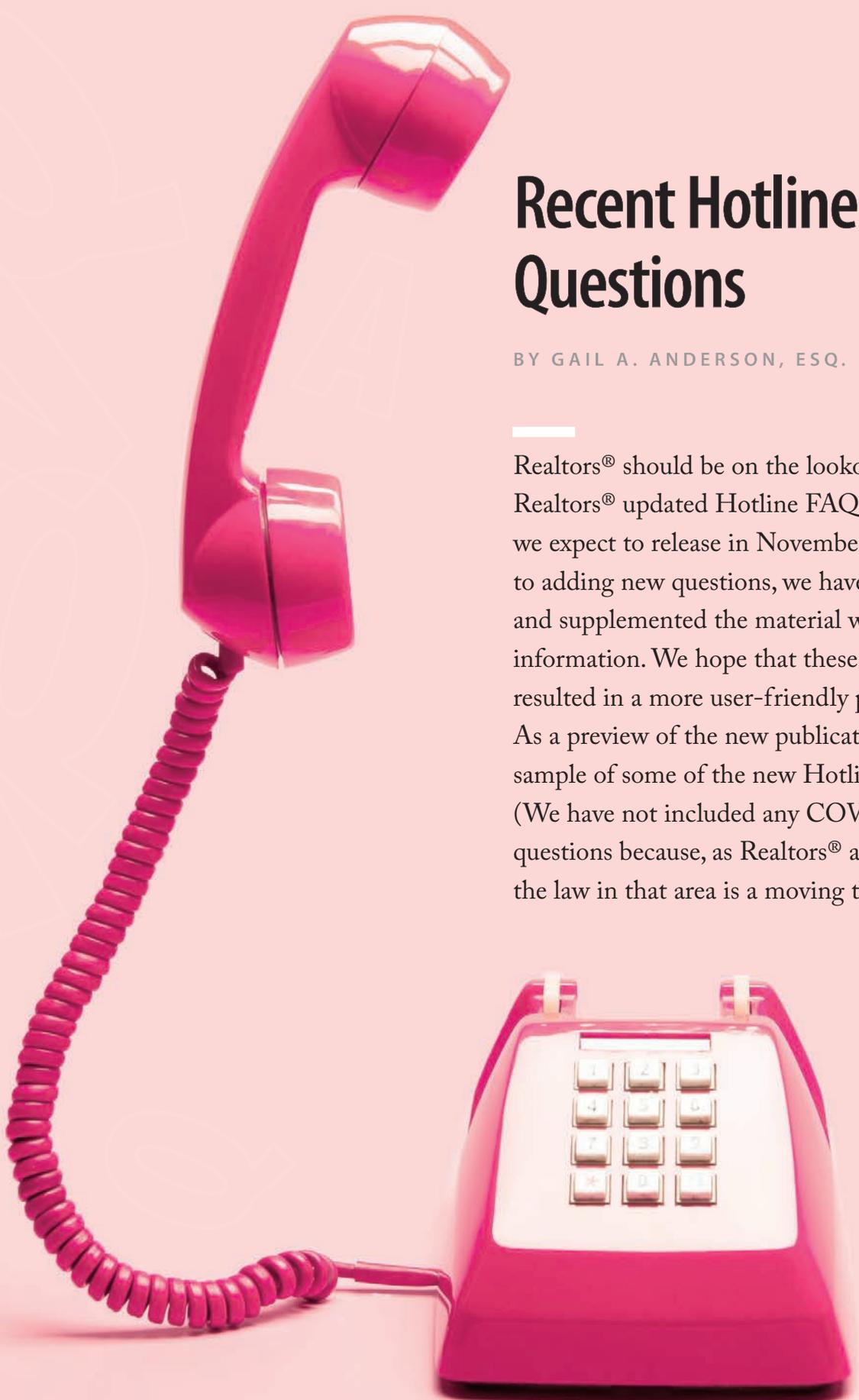
Systems

Do your associates have a system that keeps them in flow with their clients? Just as importantly, do you have a flow system to build and maintain your relationships with your sales associates? If you're looking for guidance in building flow systems, check out *Win the Race to Be Top of Mind* in the April REAL Trends newsletter. Top sales professionals and top companies have these systems in place. In this market, they're paying big dividends.

Having the universals of strong relationships and systems that deliver predictable results in all kinds of markets does three things for your organization:

1. *You survive and thrive in the downturns. Your people build their business, and your company builds market share.*
2. *You provide certainty to your people in an uncertain time. You have systems that produce predictable results regardless of the market. Strengthening an individual's sense of confidence and control is a fundamental of great leadership.*
3. *You build a great culture. As Peter Drucker said, “Culture eats strategy for lunch.”*

Keep your universals as your top priority. Focus on building relationships, implementing systems that give predictable results, providing certainty, and creating an invaluable culture. Then, prepare for the flight to quality as you attract and keep the best associates and clients. ●



Recent Hotline Questions

BY GAIL A. ANDERSON, ESQ.

Realtors® should be on the lookout for Michigan Realtors® updated Hotline FAQ compilation that we expect to release in November. In addition to adding new questions, we have reorganized and supplemented the material with background information. We hope that these changes have resulted in a more user-friendly publication. As a preview of the new publication, below is a sample of some of the new Hotline questions. (We have not included any COVID-19 questions because, as Realtors® are well aware, the law in that area is a moving target.)



I have received three offers on a home that I have listed for sale. One of the offers is from my seller's neighbor. My seller would prefer to sell the home to his neighbor; however, the neighbor's offer does not contain the best terms. My seller would like me to share the economic terms of the best offer with his neighbor's agent and give him an opportunity to match those terms. Isn't this confidential information?

NO. The terms of an offer received by a seller are not confidential information and may be freely shared. Information known to both sides of a potential transaction is not confidential information.

I represent a seller who is selling his house that is adjacent to a hospital with a helipad. Does he have to disclose this information in the Seller's Disclosure Statement?

ARGUABLY YES. The seller disclosure statement asks about the property's "proximity to a landfill, airport, shooting range, etc." While the use of "etc." in this context is not particularly helpful, arguably the noise made by helicopters landing on an adjacent helipad could have a material effect on the value of the property. When in doubt, a seller should disclose.

I am an associate broker and have my own firm. I do not have any salespersons working for me. Can I operate out of my home?

Under the Occupational Code, a real estate broker must maintain a "place of business" in Michigan. A "place of business" is defined as a physical location that a real estate broker, by advertisement, signage or otherwise, represents to the public is a place where clients and customers may consult or do business with the licensee. While there is nothing in the Occupational Code that prohibits you from operating out of your home, there may be a local ordinance or condominium/subdivision restrictions that prohibit you from operating such a "place of business" in your home.



As a preview of the new publication,
below is a sample of some of the
NEW HOTLINE QUESTIONS



We are having a client appreciation event and we plan on giving all attendees a gift basket that will include a Michigan lottery ticket. Is it legal to give such a gift?

YES. The lottery tickets are from a state licensed lottery and can be given as gifts. If everyone receives a lottery ticket, there is no “chance” involved in the broker’s promotion. The “chance” is at the next level, where the promotion is being done by the State of Michigan.

I am a licensed salesperson commonly known by the nickname “Stevie M” and I use that name in all of my advertising. Is it a violation of licensing law to use a nickname in my advertising?

NO. The Occupational Code does not prohibit salespersons from using nicknames in their advertising. A real estate salesperson can use name variations in his/her real estate advertising so long as the use of such name is not done with an intent to defraud.

I am representing a buyer who terminated a purchase agreement after the inspection of the property. The seller and buyer signed a mutual release that called for the earnest money deposit to be refunded to the buyer. My buyer is now looking for a different home and told me to leave the deposit in my trust account to be used on his next purchase. Is it legal for me to keep the deposit in my trust account without a purchase agreement in place?

YES. The law does not require that there be a signed purchase agreement in place in order for the broker to be able to keep money in its trust account.

When can a real estate licensee sell a “manufactured home” without a mobile home license?

1. *If the manufactured home was not built on a chassis;*
2. *If the manufactured home was built on a chassis, but is now part of the real estate on which it is located as evidenced by:*
 - a. *An Affidavit of Affixture for the home has been recorded with the Register of Deeds;*
 - b. *Home is being taxed as real property (by statute, in a park are exempt from general property taxes but must pay a \$3.00 monthly tax instead);*
 - c. *Home is being offered for sale along with the sale or lease of the land on which it is located.*

I have a listing for retail space. Another broker has a buyer who would be using the property for a marijuana distribution center. My seller doesn't want to sell his property for this use. Can he reject this offer?

YES. A seller can reject a buyer for any reason other than because the buyers/occupants are members of a protected class (for example, national origin).

A buyers' agent submitted an offer, the sellers countered and the buyers accepted the sellers' counteroffer. Buyers' acceptance was sent to the listing agent who notified the sellers via telephone. The sellers have received a better offer. Are they bound by the first purchase agreement? They have not bottomlined the first contract and, in fact, have never received an actual copy of the accepted counteroffer.

YES. Delivery to the listing agent is effective delivery to the sellers. The first purchase agreement would be binding even if the listing agent had not called the sellers to let them know she had received the signed acceptance. Bottomline signatures are not required.

A buyer's agent has presented me with an offer that states: "Buyer to submit EMD within 24 hours of satisfactory inspection." Is this legal?

YES. The rule requiring the deposit of an EMD within 2 business days applies to funds in the hands of the agent/broker. Parties to a purchase agreement may agree that the EMD deposit will be delivered to the broker at some later date. (The buyer's agent should have procedures in place to make certain that the EMD is collected when due.)

I am a licensed salesperson. I want to hire a licensed personal assistant. If I treat them as an employee, can I pay them directly?

If your assistant will be performing licensed activities, then they must be licensed through and paid by your broker. They must be paid by the broker whether they receive commissions or are paid on an hourly basis. This rule refers to any payment for work for which a license is required.

I am the listing agent. One week after a purchase agreement was signed, the buyer sent an email stating that he was backing out of the purchase contract. The buyer is demanding that the sellers authorize the release of the buyer's EMD and claims that the sellers cannot sell their home to anyone else until the parties sign a mutual release. Is this true?

NO. If the first buyer has terminated the purchase agreement, the sellers are free to sell their home to someone else. The sellers' dispute with the first buyer over the mutual release and the EMD does not need to be resolved before the home is sold. ●



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Michigan Placemakers | September 2020

Why should Realtors® engage in Placemaking within their communities?

Realtors® can engage with all residents, from the elderly neighbor who may need resources for home repair, to the new homeowner who may have tax assessment questions. This, in turn, affords us the opportunity to go beyond the traditional Placemaking objective of creating public spaces; we truly come from a place of service for all homeowners.

What makes you most proud about this project?

Being able to work closely with a group of creative, young individuals who care so much about their neighborhood that they made a plan and took the steps to affect change. They've dispelled the stereotypes that are placed upon this generation, adding a level of diversity and cohesiveness to the neighborhood.

Project

NW Goldberg Cares

Location

Detroit, MI

Completion Date

In progress



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Featuring Special Guest Toni Jennings

Broker, Abode Detroit
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